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Air Pollution Regulations in State Implementation Plans: California, Mendocino County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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Office of Air Quality
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Air Pollution Regulations in State Implementation Plans:

California

Mendocino County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Mendocino County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
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Publication No. EPA-450/3-78-054-19

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MENDOCINO COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	Additions to Regs. approved unless noted otherwise.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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REGULATIONS

MENDOCINO COUNTY AIR POLLUTION CONTROL DISTRICT

(2.0) PART I - PURPOSE.

These regulations are set forth to achieve and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and property, promote the comfort and convenience of the people, promote the economic and social development and enjoyment of the natural attractions of this county.

Air quality standards are not intended to provide a sharp line dividing between satisfactory and unsatisfactory air. Standards are to prevent or abate the effects of air pollution on health, esthetic and economic factors. Since standards are set to improve the quality of air, they should not be interpreted as permitting, encouraging or condoning degradation of present air quality within the county which is not superior to that of the stipulated standards.

Ambient air quality standards will be reviewed frequently in light of new information and experience relating to effects on health, property, plants and animals as well as progress in air pollution controls devices or methods.

(2.0) PART II - AUTHORIZATION.

These regulations are pursuant to the authority granted the County of Mendocino by the Health and Safety Code of the State of California. The Air Pollution Control Board of the Mendocino County Air Pollution Control District does hereby enact the following regulations. These shall be known as the Regulations of the Mendocino County Air Pollution Control District.

(1.0) PART III - DEFINITIONS. (as used in these regulations and their applications)

1. Agricultural Operations: the growing and harvesting of crops, including timber, "fish farming," or the raising of fowls or animals or bees as a gainful occupation.

2. Agricultural Burning: open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement.

3. Air Contaminant: a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.

4. Air Pollution: the presence in the outdoor atmosphere of one or more air contaminants in quantities, characteristrics, or duration such that they are or tend to be injurious to human, plant or animal life or property, or which unreasonably interfere with the enjoyment of life or property.

5. Air Pollution Abatement Operations: any operation which has as its essential purpose a significant reduction in (a) the emission of air contaminants or pollution, or (b) the effect of such emission or pollution.

6. Alteration: any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or affect the kind or amount of air contaminant emitted.

7. Ambient Air Quality Standards: the specific concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of pollution to undesirable effects.

8. Atmosphere: the air that envelopes or surrounds the earth.

9. Board: the Air Pollution Control Board of the Air Pollution Control District of Mendocino County.

10. Carbon Monoxide: a colorless gas, odorless under atmospheric conditions, having the molecular form CO.

11. Collection Efficiency: the overall performance of an air cleaning device in terms of ratio of material collected to total input to the collector unless specific size fractions of the contaminant are stated or required.

12. Combustible or Flammable Solid Waste: any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in solid form.

13. Combustible Refuse: any solid or liquid combustible waste material containing carbon in a free or combined state.

14. Combustion Contaminants: matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

15. Conditions: as they appear in the table of ambient air quality standards, specify the applicability or interpretation of the associated standard.

16. Condensed Fumes: particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

17. Continuous Flow Conveying Methods: transporting of materials at uniform rates of flow, or at the rates generated by the production process.

18. Control Officer: the Air Pollution Control Officer of the Air Pollution Control District of Mendocino County.

19. District or Control District: the Air Pollution Control District of Mendocino County, the boundaries of which are coincidental with the county's boundaries.

20. Dust: minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

21. Emission: the act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

22. Emission Point: the place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

23. Equipment: any article, machine, equipment or other contrivance

the use of which may cause the issuance of air contaminants or which may be designed for or used to control air contaminants.

24. Equivalent Method: any procedure for measuring the concentration of a contaminant, other than that specified in the air quality standard for the contaminant, which can be shown to the satisfaction of the Air Resources Board or the Air Pollution Control District Board to give equivalent results at or near the level of the air quality standard.

25. Excess Air: the quantity of air that exceeds the theoretical quantity of air required for complete combustion.

26. Existing Source or Equipment: any air contamination source or equipment in use or existant at the use site at the time of adoption of these regulations.

27. Flue: any duct or passage for air, gases, or the like, such as a stack or chimney.

28. Health and Safety Code: the Health and Safety Code of the State of California in its latest amended form.

29. Hearing Board: the Hearing Board of the Air Pollution Control District of Mendocino County.

30. Hot Mix Asphalt Plant: a plant conveying proportion quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purposes of paving, construction, industrial, residential or commercial use.

31. Hydrogen Sulfide: a colorless, noxious gas having the molecular form H_2S.

32. Incineration: an operation in which the combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.

33. Industrial Area: any area used for the manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, materials, liquids and flammable or explosive matter or materials.

34. Installation: the placement, assemblage or contruction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

35. Micrograms Per Cubic Meter (ug/m3): a unit of concentration which is numerically equal to the mass of a contaminant (in micrograms) present in one cubic meter sample of air, measured at standard conditions.

36. Most Relevant Effects: effects which ambient air quality standards are intended to prevent or abate.

37. New Sources or Equipment: any pollution source or any equipment constructed or installed after the effective date of these regulations. Any air pollution source or equipment replaced, altered or processes changed as to have any substantial effect on the production or control of air contaminants. Any air pollution source or equipment moved to another premise involving a change of address. Any equipment purchased and to be operated after effective date of these regulations by a new owner or when a new lessee desires to operate such equipment. Any equipment that is or has been shut down,put out of service or otherwise made inoperative for 180 days and which is to be put back into service.

38. Nitrogen Dioxide: a red-brown gas, odorless under atmospheric conditions, having the molecular form NO_2.

39. Open Outdoor Fire: any combustion of solid or liquid waste outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

40. Operation: any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

41. Orchard or Citrus Grove Heater: any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

42. Over Fire Air: air introduced into a tepee or wigwam burner or other type incineration device after the primary combustion has occurred.

43. Owner: includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

44. Oxidant: a substance that oxidizes a selected reagent that is not oxidizable by oxygen under ambient conditions. It includes ozone, organic peroxides, and peroxacyl nitrates, but not nitrogen dioxides for purposes of these regulations.

45. Parts Per Million (PPM): a volumetric unit of gas concentration which is numerically equal to the volume of gaseous contaminant present in one million volumes of air.

46. Particulate Matter: discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.

47. Person or Persons: an individual, public or private corporation political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

48. Prevailing Visibility: the greatest visibility which attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors, as determined by the procedure given in Weather Bureau, Army and Navy.

49. Process Weight Per Hour: the total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continous processes, the total weight of materials per twenty-four (24) hour period will be used in calculations.

50. Refuse: anything thrown away or rejected or worthless or useless; waste, rubbish; including but not restricted to domestic garbage, lawn and shrubbery trimmings; commercial wastes such as garbage, cardboard, paper; industrial wastes.

51. Regulation: one of the major subdivisions of these regulations.

52. Residential-Commercial Area: any area used for single or multiple family dwelling purposes, including all accessory uses and facilities; any retail sales facility, professional offices, institutional and recreational uses and facilities and highway service activities.

53. Section: refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

54. Standard Conditions: as used in these regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

55. Standard Cubic Foot of Gas: the amount of gas that would occupy a volume of one (1) cubic foot, if free of combined water, at standard conditions. When applied to gaseous combustion products, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of twelve percent (12%) carbon dioxide or fifty percent (50%) excess air.

56. Sulphur Dioxide: a colorless, irritating gas under atmospheric conditions, having the molecular form SO_2.

57. Tepee or Wigwam Burner: a burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone, and generally used in conjunction with sawmills, lumber mills and similar activities.

58. Total Reduced Sulfides (TRS): reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of TRS.

59. Underfire Air: air introduced into a tepee or wigwam burner or

other type incineration device beneath the fuel pile or into the primary combustion chamber.

60. Visibility Reducing Particles: atmospheric particles in the light scattering size range.

(2.0) PART IV - OFFICERS, EMPLOYEES, DUTIES, HEARING BOARD, COMPENSATION.

1. Board: the Board of Supervisors of the County shall be, and are hereby designated as, and empowered to act as, ex-officio the Air Pollution Control Board of the Air Pollution Control District (Sect. 24220 H and S Code).

2. Control Officer: the Board shall appoint an Air Pollution Control Officer (Sect.24222, H and S Code). For the purposes of enforcing these regulations and the provisions of Division 20, Chapter 2, and Division 26, Part 1, Chapter 3.5, of the California Health and Safety Code, the Control Officer is a peace officer.

3. Other Employees: the Board may provide for assistants, deputies, clerks, and other employees to be employed by the Air Pollution Control Officer and the times at which they shall be appointed (Health and Safety Code, Section 24223).
For the purposes of enforcing these regulations and the provisions of Division 20, Chapter 2, and Division 26, Part 1, Chapter 3.5, of the California Health and Safety Code, the Board may appoint certain District employees as peace officers.

4. Duties of Control Officer: the Air Pollution Control Officer shall observe and enforce, within the control district:

   (a) the provisions of Chapter 2, Division 20 and Chapter 3.5, Part 1 Division 26 of the Health and Safety Code and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

   (b) all orders, regulations, and rules prescribed by the Air Pollution Control Board of the district.

   (c) all variances and standards which the hearing board prescribes pursuant to Article 5, Chapter 2, Division 20 of the Health and Safety Code and these regulations. (H and S 24224 as amended 1970).

5. Hearing Board: the Board shall appoint a Hearing Board to consist of three (3) members, none of whom is otherwise employed by the Air Pollution Control District or by the County. Two (2) members shall have been admitted to practice law in the State of California. One (1) member shall be a chemical or mechanical engineer. If the Board is unable to find a person with these qualifications, it may fill the vacancy with any person (H and S 24225).

6. Compensation: the Board shall determine the compensation of and pay from district funds, the Air Pollution Control Officer, all of his assistants, deputies, clerks, and other employees and members of the Hearing Board (H and S 24227).

(2.0) PART V - PROHIBITIONS AND STANDARDS.

(50.1.2) 1. Visible Emissions

A. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

(1) as dark or darker in shade as that designated as No. 2 of the Ringlemann Chart, as published by the United States Bureau of Mines, or

(2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of the section.

B. Visible emissions from any new source shall not discharge into the atmosphere from any single source of emission whatsoever any air contamination for a period or periods aggregating more than three (3) minutes per hour which is:

(1) as dark or darker in shade as that designated as No. 1 on the Ringlemann Chart as published by the United States Bureau of Mines, or

(2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Existing visible emissions sources will comply with subsection V-1B by 1 January 1974.

C. Exclusions - the provisions of Part V - 1, "Visible Emissions", do not apply to emissions:

(1) from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(a) for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(b) for the instruction of public employees in the methods of fighting fire.

(2) from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (H and S 24245).

(3) of agricultural operations and associated necessary odors in the growing of crops, raising of fowls or animals (H and S 24251 and 39077.5).

(4) from fires set for improvement of watershed, range, or pasture (H and S 39077.4).

(5) of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (H and S 24251).

(6) from the use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals (H and S 24251).

(7) from fires set pursuant to an open burning permit issued by the Control Officer (H and S 39077.4).

(50.1) 2. Particulate Matter Emissions:

A. Prohibitions:

(1) combustion contaminants discharged into the at-

mosphere from any source shall not exceed:

(a) two-tenths (0.2) grain per standard cubic foot for equipment in use at the time of adoption of these regulations, or

(b) one-tenth (0.1) grain per standard cubic foot for new equipment.

(c) equipment in use at the time of adoption of these regulations shall comply by 1 January 1972.

(2) other sources - particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

(a) two-tenths (0.2) grain per standard cubic foot, or

(b) the total process emission from a single premise source for any dust, condensed fume, or other particulate matter is given in Table 1 (Appendix). The more stringent of a or b shall apply.

(c) equipment in use at the time of adoption of these regulations will comply by 1 January 1972.

(50.2) 3. Total Reduced Sulfides (TRS), expressed as hydrogen sulfide, discharged into the atmosphere, shall not exceed:

A. Three-hundredths (0.03) PPM for an aggregate period of sixty (60) minutes during any twenty-four (24) consecutive hours at ground level, or

B. Seventeen (17) PPM from any point source at any time, or

C. One-half (½) pound per ton of dry wood processed per month for any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper or other products. Wood materials used exclusively for fuel are not to be considered as part of the conversion process.

(50.7) 4. Other Emissions or Contaminants.

(51.21) A. General: No person shall discharge from any non-vehicular source whatsoever such quantitites of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause or have a natural tendency to cause injury or damage to business or property (H and S Code, Sections 24243 and 39077). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals (H and S Code, Section 24251.1).

(50.1) B. Open Storage: Storing of materials that will readily give rise to air-borne particulate matter which will escape the premise of origin shall not be permitted.

(50.1) C. Transporting and Handling: Transporting or handling of any material in a manner which allows or may allow unnecessary amounts of particulate matter to become air-borne shall not be permitted.

(51.13) D. Open Burning:

(1) No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste, or for metal salvage or burning of automobile or other vehicle bodies; provided, however, that until January 1, 1972, the Air Pollution Control Officer, pursuant to Section 24245.1 of the Health and Safety Code, may issue permits for open burning for the purpose of disposal of demolition debris, trees, and wood waste to the extent that such do not include tar or petroleum-derived materials. The Air Pollution Control Officer may delegate the authority to issue the aforesaid permits by deputizing his staff personnel and any other person having the authority under state, federal, or county law to issue any permit related to open burning.

(2) Burning of tires for frost prevention, or any other

purpose, shall not be permitted. Burning in open buckets for frost prevention shall not be allowed after January 1, 1973.

(3) No open burning of any type shall be permitted within two (2) miles of the city limits of any incorporated city having a population density in excess of seven hundred fifty (750) persons per square mile. Burning may be allowed only in incineration devices approved by the district. No permit shall be required to operate such an approved device.

(4) No person shall ignite or cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire except as follows:

(a) fires used only for the cooking of food for human beings or for recreational purposes, or

(b) fires permitted under exceptions to the "Visible Emissions" Prohibitions, Section V of these regulations, or

(c) fires set or caused to be set as backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code (H and S 39297), or

(d) fires set to abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12, Health and Safety Code, "Fires and Fire Protection" (H and S 29297).

(5) Nothing in Part V-4D shall be construed as prohibiting agricultural burning authorized pursuant to these regulations and the Health and Safety Code (H and S 39297.1).

(6) Nothing in Part V-4D shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single - or two-family dwelling on its premises (H and S 39397.2), except as prohibited in V-4D-3 above.

(7) Nothing in Part V-4D shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance (H and S 39297.3).

(51.21) E. Animal Matter:

(1) A person shall not operate or use any article, machine, equipment of other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine equipment or other contrivances are:

(a) incinerated at temperatures of not less than one thousand two hundred (1,200) degrees Fahrenheit for a period of not less than three-tenths (0.3) second, or

(b) processed in a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

(51.13) F. Agricultural Burning: burning will be subject to regulation and control guide lines set up by the Air Resources Board of the State of California as authorized under Article 4, Chapter 10, Part 1 of Division 26, the Health and Safety Code. Burning is to be regulated by permit with consideration for meteorological conditions, quantity and nature of material to be burned and the probable effect of such burning on the ambient air quality within the Basin. No guidelines for the North Coast Air Basin have been issued at the time of enactment of these regulations.

(51.1) G. Orchard Heaters:

(1) No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage after 1 January 1971, unless it has been approved by the California Air Resources Board. (H and S 39298.7).

(2) The District may allow continued use of orchard heaters, until 1 January 1975, that will not comply

with these regulations if provisions of these regulations would preclude the use of such heaters and be a serious economic hardship to the owners or operators of the heaters or the practical elimination of agricultural operations now being carried out within the District (H and S 24265.5). After 1 January 1974, all orchard heaters shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute. Permits are not required for orchard heater operation.

(51.16) H. Gasoline Storage: the following sections of State Health and Safety Code, and any Future amendments thereto, are part of these Regulations by Reference: Section 29068.2, et. seq., Article 2, Chapter 3, Part I, Division 26.

(51.6) I. Sulfur Oxide Emissions: no person shall discharge from any non-vehicular source, whatsoever, quantities of sulfur oxides, calculated as sulfur dioxide (SO_2), exceeding 1000 PPM at any time.

(4.0) 5. Ambient Air Standards

A. Suspended particulate matter shall not exceed:

(1) Sixty (60) micrograms per cubic meter, based on the annual geometric mean of twenty-four (24) hour samples, or

(2) One hundred (100) micrograms per cubic meter for any single twenty-four (24) hour sample.

B. Dustfall or fallout particulate matter shall not exceed:

(1) Fifteen (15) tons per square mile in any residential-commercial area, based on one (1) month averaging period, or

(2) Thirty (30) tons per square mile in any industrial area, based on a one (1) month averaging period.

(3) Thirty (30) tons per square mile in any industrial area,

based on a one (1) month averaging period.

C. Sulfur Dioxide measured at ground level shall not exceed:

(1) Two (2) PPM at any time, or

(2) Four-hundredths (0.04) PPM during a twenty-four (24) hour averaging period, or

(3) Five-tenths (0.5) PPM for any one hour sampling period.

D. Other Ambient Air Standards as set forth by the Air Resources Board of the State of California, shall be considered minimum standard for the Mendocino County Air Pollution Control District. These may be reviewed from time to time at the discretion of the Board and made more stringent if conditions so warrant.

(7.0) PART VI - MAINTENANCE, MALFUNCTION, EVASION, INSPECTION.

1. Maintenance: emissions exceeding any Air Pollution District standard as a direct result of a shutdown of equipment for scheduled maintenance shall not be deemed to be a violation of these regulations provided:

A. A report shall be submitted to the Control Officer at least twenty-four (24) hours prior to shutdown, and

B. The person responsible for such emissions shall complete maintenance with reasonable speed. The Control Officer may require in writing a full report on such occurrences if the nature of emissions or length of shutdown warrants.

2. Malfunction of Equipment:

A. Emissions exceeding any of the limits established in these regulations as a result of equipment or installation malfunction shall be deemed in violation unless:

(1) The Control Officer or department is notified within four (4) hours of malfunction onset which would be expected to result in increased emissions, and

(2) The person responsible for the equipment or installation operations, upon request of the Control Officer, makes a full report, including causes and preventative measures to be taken to minimize or eliminate a reoccurrence within ten (10) working days of occurrence.

(3) The Control Officer upon investigation concurs that the upset or breakdown was unavoidable and unforeseeable.

B. On receipt of notification the Control Officer may permit the continuance of operation for a period not to exceed ten (10) days provided that written application is made to the Control Officer. Such application shall be made within twenty-four (24) hours of the malfunction or within such other time period as the Control Officer may specify. In the case of major equipment failure, the Control Officer may permit additional time for correction provided a corrective program has been submitted by the person and approved by the Control Officer.

3. Evasion: No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

4. Inspection: The Control Officer, during reasonable hours, for the purpose of enforcing or administering these regulations or any provisions of the Vehicle Code relating to the emissions or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers such entrance, or such stopping, detaining or inspection of such vehicle, or who refuses to stop such a vehicle, upon the lawful order of the Control Officer (H and S 24246).

(3.0) PART VII - PERMITS.

1. Registration: these regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to furnish the Control Officer with information required. Registration information required may include all information required under VII-4 relating to operating permits.

2. Construction, Alteration, Replacement, Sale or Rental: permits shall be required to construct, erect, alter, replace, sell or rent any equipment which may cause, potentially cause, reduce control or eliminate the issuance of air contaminants. Written authority to construct, alter, replace, sell or rent shall be obtained from the Control Officer prior to starting construction, erection, alteration, sale or rental. A single permit may be issued for all components of an integrated system or process. Plans and specifications, drawn in accordance with acceptable engineering practices, may be required as a prerequisite to permit issuance. The authority to construct shall remain in effect for one (1) year or until a permit for operation if issued, whichever occurs first. If the authority to construct expires prior to issuance of a permit to operate, the authorization may be extended one year at the request of permittee. A renewal fee may be assessed. Construction not in accordance with this permit shall be sufficient reason to deny a permit to operate.

3. Notice of Completion: notice shall be provided in writing to the Control Officer of the completion of construction, alteration or replacement and the date when operation will commence.

4. Operation: permits shall be required to operate any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. No permits to operate shall be granted by the Control Officer or Hearing Board unless the equipment is designed to meet standards set forth in these regulations and the regulations of the Air Resources Board of the State of California and the following further requirements

are met:

A. Registration shall be completed within thirty (30) days following the mailing date of the request by the Control Officer.

B. Registration shall be made on forms furnished by the District and completed by the owner, lessee, or agent of the source.

C. The following information may be required of the registrants:

(1) Name, address, owner and nature of business.

(2) Name of local person responsible for compliance with these rules and regulations.

(3) Name of person authorized to receive requests for data and information.

(4) A description of the production processes and a related flow chart.

(5) A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commercial property.

(6) Type and quantity of fuels used or wastes combusted.

(7) Amount, nature and duration of air contaminant emissions.

(8) Estimated collection efficiency of air pollution control equipment under present or anticipated operating conditions.

(9) Amount and method of refuse disposal.

D. Re-Registration will be carried out:

(1) Annually upon the date of initial registration, by person responsible for the air contamination source reaffirming in writing the correctness

and current status of the information furnished the District, or

(2) At any time changes in the factual data reported under Section VII-3 occur, such changes shall be reported to the District in writing. Re-registration may be required on forms furnished by the District.

5. Approval: a permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.

6. Posting of Permits: permits shall be posted on the equipment. Posting shall consist of affixing the permit, and approved facsimile, or other approved identification bearing the permit number upon the equipment in such a manner to be clearly visible and accessible.
In the event that the equipment is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or maintained readily available at all times on the operating premises.

7. Transfer of Permits: permits are non-transferrable from one location to another, from one piece of equipment to another, or from one person to another.

8. Conditional Permits: the Control Officer may issue an authority to construct or permit to operate or use, subject to conditions which will bring the operation of any equipment within the applicable standards set forth in these regulations, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Control Officer may issue an authority to construct or permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

9. Use Permits: permits to construct, alter, replace, or operate issued under these regulations do not replace, supplant or negate the need for a Use Permit issued by the Planning Commission under Section 20-74 of the Mendocino County Code.

10. Action on Applications: the Control Officer shall act promptly on an application for authority to construct, alter, replace, sell or rent, or permit to operate, and shall notify the applicant in writing by mail or in person, of the action taken, namely approval, conditional approval, of denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

11. Exclusions: permits shall not be required for:

    A. Any vehicle as defined in the Vehicle Code.

    B. Any structure designed for and used exclusively as a dwelling for not more than two (2) families.

    C. An incinerator used exclusively in connection with such a dwelling structure.

    D. Barbecue equipment which is not used for commercial purposes.

    E. Orchard or citrus grove heaters described in 11 of this subsection and in section V-IE of these regulations (H and S 24251).

    F. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

12. Fees for Permits: the Air Pollution Control Board may provide a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such.

13. Source Emission Testing: in the event that emission occurs, or is likely to occur, which is in excess of that allowed by these regulations, or if the nature of the emissions warrents, emission source or emission premise monitoring may be required

as follows:

A. The source owner or operator may be required to perform or have performed tests to determine the emission of air contaminants from any source. Tests must be conducted by reputable, qualified personnel and in accordance with good professional practice and acceptable methods. The District may observe such testing at any time and be supplied with a copy of test results in writing, signed by the person responsible.

B. Require the installation of emission monitoring equipment on a permanent basis so the operators of air contamination sources may know the nature and extent of emission. Records of such monitoring shall be available to the District upon demand. Such monitoring must be done by qualified personnel and with acceptable methods.

C. The District may conduct emission tests on any premise. The owner shall provide necessary holes, stacks, ducts, platforms or other such safe and proper sampling and testing facilities. Any construction required shall be in accordance with the General Industrial Safety Orders of the State of California. If permanent monitoring is deemed necessary, any equipment needed shall be provided and maintained by the owner under the general direction of the District. Copies of any District testing result shall be provided the owner upon request.

14. Plans and Specifications: the Control Officer at any time may require from an applicant for, or holder of any permit provided for by these regulations, such information, analysis, plans, or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source (H and S 24269). Any plans or specifications that should be considered confidential should be clearly designated and so certified by the owner or operator.

15. Suspension of Permit:

A. Any permit issued under these regulations may be suspended by the Control Officer, Board of Hearing Board for violation of any regulation or standard of the District.

B. If the holder of any permit provided for by these regulations within fifteen (15) days (H and S says "reasonable" time) wilfully fails and refuses to furnish to the Control Officer information, analyses, plans or specifications requested, the Control Officer may suspend the permit. Written notice of such suspension and the reasons therefore shall be served the permittee (H and S 24270).

C. Within ten (10) days after receipt of notice of suspension the permittee may file with the Hearing Board a demand for a public hearing as to whether or not the permit was properly suspended (H and S 24271).

16. Reinstatement of Permit:

A. The Control Officer shall reinstate a suspended permit when all information, analyses, plans and specifications are furnished (H and S 24272).

B. The Control Officer may reinstate a suspended permit where, in his opinion, good reasons exist therefore (H and S 24273).

C. The Control Officer may request the Hearing Board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated (H and S 24274).

D. Within thirty (30) days after either the Control Officer or the permittee has requested a public hearing, the Hearing Board shall hold such hearing and give notice of the time and place of such hearing to the permittee, to the Control Officer and to such other persons as the Hearing Board deems should be notified, not less than ten (10) days before the date of the public hearing (H and S 24275).

E. After a public hearing the Hearing Board may:

(1) Continue the Suspension of a permit suspended by the Control Officer, or

(2) Remove the suspension of an existing permit invoked by the Control Officer pending the furnishing by

the permittee of the information, analyses, plans and specifications required, or

(3) Find that no violation exists and reinstate an existing permit, or

(4) Revoke an existing permit, if it finds:

(a) the permittee has failed to correct any conditions required by the Control Officer, or

(b) a refusal of a permit would be justified, or

(c) fraud or deceit was employed in the obtaining of the permit, or

(d) any violation of these regulations or Chapter 2 of the H and S Code (H and S 24276).

17. Denial of Applications:

A. In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Control Officer as his reason for denial of the authority to construct, the permit to operate or the permit to sell or rent.

B. Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Control Officer may require the applicant to furnish further information or further plans or specifications.

C. Failure of the Control Officer to act upon an application to construct, alter, replace, sell or rent within sixty (60) days of initial application or within thirty (30) days after the applicant furnishes further information, plans and specifications requested by the Control Officer, whichever

is later, shall be considered a denial of permit. The applicant may thereafter petition the Control Officer for action.

D. Within ten (10) days after notice by the Control Officer of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent or within ten (10) days after the application is deemed denied pursuant to C above, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.

18. Schedule of Compliance: A person responsible for emission which is not in compliance with these regulations on their effective date or a person found by the Control Officer at a later date not in compliance, shall submit to the Control Officer for approval a schedule for compliance containing estimates of time for engineering, time for procurement, time for fabrication and time for installation and adjustment. The schedule shall be submitted within sixty (60) days of the initial request. The original schedule may be amended within ninety (90) days of the original request, provided the material facts are presented in writing, indicating a different reasonable schedule. Failure of the applicant to comply with the original or modified schedule may result in:

A. Further demand by the Control Officer for a compliance schedule or reports as necessary to show reasonable progress, or

B. Application of enforcement procedures contained in these regulations if unreasonable delay has occurred without significant progress. Submission of a schedule of compliance is not a permit to continue in violation of these regulations.

(8.0) PART VIII - EMERGENCY CONDITIONS.

In the event of generalized atmospheric conditions or localized dangerous contamination of such a nature to warrant, the Control Officer may take

immediate action and instruct person or persons contributing to air pollution to reduce or discontinue immediately the emission of air contaminants. A hearing may be held by the Hearing Board within twenty-four (24) hours of such action.

(16.0) PART IX - ABATEMENT.

The Air Pollution Control Board may, after notice and a hearing, issue, or provide for the issuance by Hearing Board, after notice and a hearing of, an order for abatement whenever the District finds that any person is in violation of these regulations prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred on the Hearing Board. The Hearing Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by these regulations and the Health and Safety Code (H and S 24260.5) (AB88).

(15.0) PART X - VIOLATIONS AND PENALTIES.

1. General:

A. Every person violating any order, rule or regulation of an Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense (H and S 24281).

B. Any violation of any order, rule, or regulation of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss (H and S 24252, amended 1970 by (AB 90).

C. Any person who intentionally or negligently violates any rule or regulation of the Air Pollution Control District, or the State Air Resources Board, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500.00) for each day in which such violation occurs (H and S 39261) (AB 88 1970).

2. Visible Emission Prohibition: Every person who violates any provisions of these regulations which are set forth under authority of Division 20, Chapter 2, H and S Code, is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 24253).

3. Permits:

   A. Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses plans, or specifications submitted either in conjunction therewith, or at the request of the Control Officer (H and S 24277).

   B. Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses or operates any source capable of emitting air contaminants for which a permit is required by these regulations when his permit to do so has been either suspended or revoked (H and S 24278).

   C. Every person required by these regulations to obtain a permit so to do who, without first obtaining such permit, builds, erects, alters, replaces uses or operates any source capable of emitting air contaminants, is guilty of a misdemeanor (H and S 24279).

   D. Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these regulations or the H and S Code, State of California (H and S 24280).

   E. Every permittee who wilfully fails or neglects to furnish information, analyses, plans or specifications required by the Control Officer is guilty of a misdemeanor (H and S 24282).

4. Abatement: Any person who intentionally or negligently violates any order of abatement issued by the District pursuant to these regulations, Part X, or by the State Air Resources Board, shall be liable for a civil penalty not to exceed six thousand ($6,000.00) for each day in which such violation occurs. (H and S 39260).

5. Open Burning: Any violation of Part V-4D-1 is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 39296.1)

6. Orchard Heaters: Any violation of Part V-4G of these regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense. (H and S 29298.7).

(16.0) PART XI - HEARING BOARD.

1. The Hearing Board shall select from its number a chairman (H and S 24311).

2. The Hearing Board may hold a hearing in bank or may designate two (2) or one (1) of their number to hold a hearing (H and S 24312).

3. If two (2) or three (3) members of the Hearing Board conduct a hearing the concurrence of two (2) shall be necessary to a decision (H and S 24313).

4. The Hearing Board not less than two (2) being present may, in its discretion, within thirty (30) rehear any matter which was decided by a single member (H and S 24314).

5. Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the Hearing Board shall issue a subpena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpena may require such person to produce all books, papers and documents in his possession or under his control material to such hearing (H and S 24315).

6. A subpena to appear before the Hearing Board shall be served in the same manner as a subpena in a civil action (H and S 24316).

7. Whenever any person duly subpenaed to appear and give evidence or to produce any books and papers before the Hearing Board neglects or refuses to appear, or to produce any books and papers, as required by the subpena or refuses to testify or to answer any questions which the Hearing Board decides is proper and pertinent, he shall be deemed in contempt, and the Hearing Board shall report the fact to the judge of the Superior Court of the County (H and S 24317).

8. Upon receipt of the report, the judge of the Superior Court shall issue an attachment directed to the Sheriff of the County where the witness was required to appear and testify commanding the Sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued (H and S 24318).

9. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpenaed to appear and give evidence on the trial of a civil cause before a Superior Court (H and S 24319).

10. Every member of the Hearing Board may administer oaths in every hearing in which he participates (H and S 24320).

11. At any hearing the Hearing Board may require all or any witness to be sworn before testifying (H and S 24321).

12. Any person deeming himself aggrieved, including the Air Pollution Control District, may maintain a special proceeding in the Superior Court, to determine the reasonableness and legality of any action of the Hearing Board (H and S 24322).

13. Any person filing such a special proceeding after any decision of the Hearing Board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issue of law facts, and mixed questions of law and facts and opinions therein involved (H and S 24323).

(5.0) PART XII - VARIANCES.

1. The provisions of the H and S Code, and these regulations do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3, Chapter 2, Division 20, H and S and Section V (Prohibitions and Standards) of these regulations, if not of a greater extent or longer time than the Hearing Board or a court after a hearing before the Hearing Board finds necessary (H and S 24291).

   Notwithstanding this provision, no person shall set, grant permission to set, or cause to be set, fires which would be in violation of any applicable order, rule or regulation adopted pursuant to these regulations and the Health and Safety Code (H and S 39077.3).

2. The Hearing Board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by these rules and regulations is necessary and will be permitted (H and S 24292).

3. The Air Pollution Control Board may set forth a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this section, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such a schedule (H and S 24293). to the District Treasury (H and S 24294).

4. The Hearing Board shall serve a notice of the time and place of a hearing to grant a variance upon the Control Officer and upon the applicant, if any, not less than ten (10) days prior to such hearing (H and S 24295).

5. If the Hearing Board finds that because of conditions which are beyond control of the owner or operator, compliance with these regulations or order of the Air Pollution Control Board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by same classes of industries or persons, or to the operation of separate persons; provided,

however, that no variance may permit or authorize the maintenance of a nuisance (H and S 24296).

6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the Hearing Board shall exercise a wide discretion in weighing the equitites involved and the advantage and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance (H and S 24297).

7. The Hearing Board may revoke or modify by written order, after public hearing held upon not less than ten (10) days notice, any order permitting a variance (H and S 24298). Notice of time and place of a hearing to revoke or modify any order permitting a variance shall be served upon the Control Officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the Hearing Board or Control Officer a written request for such notification (H and S 24299). Notice shall be submitted by personal service or first class mail, postage prepaid. If the identity or address of any person entitled to notice is unknown, the Hearing Board shall serve such person by publication of notice once in a newspaper of general circulation published within the Air Pollution Control District (H and S 24300).

8. The Hearing Board in making any order permitting a variance may specify the time during which such order will be effective in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the Control Officer (H and S 24301).

(16.0) PART XIII - HEARINGS.

1. Fee: Every applicant or petitioner for a variance, or the extention, revocation or modification of a variance or for an appeal from a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent, except any state or local governmental agency or public district shall pay to the clerk of the Hearing Board, on filing, a fee.

2. Transcript: Any person requesting a transcript of the hearing, except the Air Pollution Control District, shall pay the cost of such transcript.

3. Contents of Petition:

A. Every petition shall include:

(1) The name, address and telephone number of the petitioner or other person authorized to receive service of notices.

(2) Whether the petitioner is an individual, partnership, co-partnership, corporation or other entity, and the names and address of the partners if a co-partnership, names and address of the officer, if a corporation, and the names and address of the persons in control, if other entity.

(3) The type of business or activity involved in the application and the street address at which it is conducted.

(4) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(5) The regulation under which the petition is filed; that is whether petitioner desires a hearing:

(a) to determine whether a permit shall be revoked or suspended permit reinstated (H and S 24274).

(b) for a variance.

(c) to revoke or modify a variance.

(d) to review the denial or conditional granting of an authority to construct, permit to operate or permit to sell or rent.

(6) The signature of the petitioner or person authorized in the petitioner's behalf. Such authorization shall be stated.

(7) The regulation under which permit was granted in petitions for revocation, together with a brief statement of the facts constituting the alleged violation.

(8) The request and alleged refusal, in petitions for reinstatement of suspended permits, which formed the basis for such suspension, together with a brief statement as to why the information requested, if any, was not furnished, whether such information is believed by the petitioner to be pertinent, and if so, when it will be furnished.

(9) All petitions shall be typewritten, double-spaced, on legal or letter sized paper, one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

4. Variance Petition:

A. Variance petitions shall include, in addition to the information in three (3) above, the following:

(1) Facts showing why compliance with the section, regulation or order is unreasonable.

(2) The period of time for which variance is sought and why such a period is requested.

(3) The damage or harm resulting or which would result to the petitioner from compliance with District regulations or order.

(4) The requirements the petitioner can meet and the date when the petitioner can comply with such requirements.

(5) The advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance.

(6) Whether or not operations under such variance, if granted, would constitute a nuisance.

(7) Whether or not any case involving the same identi-

cal equipment or process is pending in any court, civil or criminal.

5. Non-Acceptance of Petition: The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these regulations unless the chairman or any two (2) members of the Hearing Board direct otherwise and confirm such direction in writing. This need not be done at a meeting of the Hearing Board. The chairman or any two members, without a meeting may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issue involved.

6. Dismissal by Petitioner: The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The clerk of the Hearing Board shall notify all interested persons of such dismissal.

7. Amending of Petition: At any time more than ten (10) days prior to hearing, the petitioner may amend his petition by serving an amended copy to all necessary parties. Amendments less than ten (10) days prior to the hearing will be allowed at the discretion of the Hearing Board.

8. Notice of Hearing: The clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295 and 242999, Health and Safety Code and these regulations not less than ten (10) days before the date of public hearing.

9. Place of Hearing: All hearing shall be held at the County Supervisor's Chambers, Mendocino County Courthouse, Ukiah, California, unless some other place is specified by the Hearing Board.

10. Procedure:

    A. Oral Evidence shall be taken only on oath or affirmation.

    B. Each party shall have these rights:

        (1) To call and examine witnesses.

(2) To introduce exhibits.

(3) To cross-examine opposing witnesses on any matter relevant to the issue even though that matter was not covered in the direct examination.

(4) To impeach any witness regardless of which party first called him to testify and to rebut evidence against him.

(5) A respondent may be called and examined even if he does not testify in his own behalf.

C. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objections in civil actions. Heresay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

D. The chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less, concurred in by the petitioner, the Control Officer and by every person who has filed an answer in the action. Written notice of such continuance shall be served on all parties concerned by the party instituting the continuance.

E. The decision of the Hearing Board shall be in writing, served and filed within thirty (30) days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

F. The decision of the Hearing Board shall become effective fifteen (15) days after delivering or mailing a copy of the decision, or the Hearing Board may order that the decision become effective sooner.

G. The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Control Officer except under the following conditions:

(1) An appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition, or

(2) The Control Officer may petition the Hearing Board to grant a variance or extention on initial compliance for any individual operation or group of operations.

H. A variance granted by the Hearing Board after a denial of a permit to operate by the Control Officer may include a permit to operate for the duration of the variance.

(2.0) PART XIV - CONSTRUCTION AND VALIDITY.

1. If any provisions of these regulations shall be under void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.

2. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, County of Mendocino or any incorporated city therein; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

3. These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of Mendocino County.

TABLE 1

MENDOCINO COUNTY AIR POLLUTION CONTROL DISTRICT:
PARTICULATE MATTER EMISSIONS STANDARDS FOR PROCESS
UNITS AND PROCESS EQUIPMENT

Process Lbs/Hr	Emission Lbs/Hr	Process Lbs/Hr	Emission Lbs/Hr	Process Lbs/Hr	Emission Lbs/Hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15		
1200	3.12	4400	6.22		
1300	3.26	4500	6.30		
1400	3.40	4600	6.37		
1500	3.54	4700	6.45		
1600	3.66	4800	6.52		
1700	3.79	4900	6.60		
1800	3.91	5000	6.67		
1900	4.03	5500	7.02		
2000	4.14	6000	7.37		
2100	4.24	6500	7.71		
2200	4.34	7000	8.05		

Interpolation and extrapolation of the data for process unit weight rates in excess of 60,000 lb/hr shall be accomplished by the use of the equation: $E=55.0P^{0.11}-40$, where E=rate of process unit emission in lb/hr and P= process weight in tons/hr.